

CHAPTER NO. 180

HOUSE BILL NO. 564

**By Representatives Henri Brooks, Cooper, Bowers, Lois DeBerry, Larry Turner,
Brown, Mike Turner**

Substituted for: Senate Bill No. 208

By Senator Dixon

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1,
relative to motor vehicle safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is
amended by adding the following language as a new, appropriately designated section:

Section 55-8-192.

(a) No driver shall operate a school bus as defined by § 55-8-101(53) on any highway while using a hand held mobile telephone while such vehicle is in motion and such vehicle is transporting children; provided that this section shall not apply to mobile telephone, or two-way radio, communications made to and from a central dispatch, school transportation department or its equivalent.

(b) For the purposes of this section, unless the context otherwise requires, "mobile telephone" means a cellular, analog, wireless or digital telephone.

(c) A violation of this section is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00).

(d) It is an affirmative defense to prosecution under this subsection, which must be proven by a preponderance of the evidence, that the driver's use of a mobile telephone was necessitated by a *bona fide* emergency.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring
it.

PASSED: May 7, 2003



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of May 2003



PHIL BREDESEN, GOVERNOR